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22879	7590	06/17/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			GAGLIOSTRO, KEVIN M	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/000,029	SESEK ET AL.	
	Examiner Kevin M. Gagliostro	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 December 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/04/01.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A digital camera having image transfer method and system selectable from an image transfer option via user interface."

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Referring to claim 1, "a imaging system" should be replaced with "an imaging system." Appropriate correction is required.

Referring to claim 1, "therebetween" should be replaced with "there between." Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 8, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,893,037 to Reele et al.

Reele clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Reele clearly describes a camera (camera 10) (Reele: figure 1) comprising:

An imaging system (electronic image sensor 44, analog-to-digital (A/D) converter 46, and processor 48) that detects light and generates a digital image representative of the detected light (Reele: column 1, lines 63-67 and column 2, lines 1-4);

A memory (memory unit 52) that stores images generated by the imaging system (Reele: column 2, lines 4-9 and figure 3);

A user interface (operator control interface 22) for receiving instructions from a user, including a transfer instruction to transmit one or more selected digital images to a selected address (remote location) (Reele: column 5, lines 38-49 and figure 3);

A wireless radio frequency transceiver (interface connector 24) for establishing data communication with a cellular device (cellular phone 28) having a compatible

Art Unit: 2615

wireless radio frequency transceiver (interface connector 26) by transmitting and receiving radio frequency signals (Reele: column 3, lines 1-13 and figure 2);

A transfer logic that, in response to the transfer instruction, causes the radio frequency transceiver (interface connector 24) to transmit one or more selected digital images to a cellular device (cellular phone 28) and to transmit connection instructions that cause the cellular device (cellular phone 28) to establish communication with a network (remote location) and to transmit the one or more selected digital images to the selected address (transfer location) (Reele: column 5, lines 25-49 and figure 2); and

A microprocessor for controlling the imaging system (camera control unit 50), the memory (memory unit 52), the user interface (operator control interface 22), the radio frequency transceiver (interface connector 24) and the transfer logic, and for controlling data communications there between (Reele: column 3, lines 16-27, lines 60-64, and figure 3).

Reele clearly shows all of the limitations cited in claim 3. See all material cited in the specification. Referring to claim 3, Reele clearly describes the digital camera (digital camera 10) as set forth in claim 1 wherein the selected address includes a plurality of addresses (after camera 10 has established a connection to the cellular phone 28, dialing any phone number to connect to the remote location) (Reele: column 5, lines 25-38).

Reele clearly shows all of the limitations cited in claim 8. See all material cited in the specification. Referring to claim 8, Reele clearly describes the digital camera (digital camera 10) as set forth in claim 1 further includes a removable memory card for storing digital images (memory unit 52 preferably includes a PCMCIA interface slots for removable nonvolatile flash EEPROM memory cards) (Reele: column 3, lines 35-42 and figure 3).

Reele clearly shows all of the limitations cited in claim 17. See all material cited in the specification. Referring to claim 17, Reele clearly describes digital camera (camera 10) comprising (Reele: figure 1):

A memory (memory unit) for storing digital images (Reele: column 2, lines 4-9);

A wireless short range radio frequency transceiver (interface connector 24) for communicating with a proximity device (cellular phone 28) having a compatible wireless short range radio frequency transceiver (interface connector 26) (Reele: column 3, lines 1-13 and figure 2);

A user interface (operator control interface 22) allowing a user to select a transfer mode and select one or more digital images from the memory to be transferred, the user interface further allowing the user to select a destination address (remote location) for the one or more digital images (column 5, lines 38-49 and figure 3); and

A transfer logic that, in response to the transfer mode being selected, generates transfer instructions causing the short range radio frequency transceiver (interface connector 24) to establish communication with a proximity device (cellular phone 28)

Art Unit: 2615

for transferring the selected one or more digital images to the proximity device for further transfer to the destination address (remote location) (Reele: column 5, lines 25-49 and figure 2). Further note that it is inherent that communication between the camera 10 and the cellular phone 28 must be of a short range communication in that they both are communicating within the same vicinity of each other.

Reele clearly shows all of the limitations cited in claim 18. See all material cited in the specification. Referring to claim 18, Reele clearly describes the digital camera as set forth in claim 17 wherein the transfer instructions further include instructions transmitted to the proximity device (cellular phone 28) causing the proximity device (cellular phone 28) to establish a wireless network connection to a remote network (remote location) and to transmit the one or more selected digital images to the destination address accessible by the remote network (Reele: column 5, lines 25-46 and figure 2).

Reele clearly shows all of the limitations cited in claim 19. See all material cited in the specification. Referring to claim 19, Reele clearly describes the digital camera as set forth in claim 18 wherein the proximity device is a cellular phone (cellular phone 28) having a compatible wireless short range radio frequency transceiver (interface connector 26) configured to communicate with the digital camera (camera 10), the cellular phone being capable of establishing the wireless network connection (Reele: column 3, lines 1-5 and figure 2). Further note that it is inherent that communication between the camera 10 and the cellular phone 28 must be of a short range communication in that they both are communicating within the same vicinity of each other (as stated in claim 17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
6. Claims 2, 21, 22, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,750,902 to Steinberg et al.

Regarding claim 2, Reele describes the camera as set forth in claim 1, but does not teach the camera wherein the transfer logic includes instructions for disconnecting communication with the cellular device (cellular phone 28) when the images are transferred thereto (Reele: column 5, lines 43-46). Steinberg describes a communication device 10 (proximity device) that automatically connects to network

Art Unit: 2615

16 and downloads the images from the camera and subsequently disconnects from the network 16 (Steinberg: column 5, lines 30-73 and figure 2). Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Reeel to include disconnecting the digital image from the memory of the digital camera after the digital image is transmitted to the proximity device. One would have been motivated to combine the method of Reeel to include disconnecting the digital image from the memory of the digital camera after the digital image is transmitted to the proximity device of Steinberg in that doing so would avoid the concern of the need to connect the camera or its removable device to local computer to perform operations as it is automatic (Steinberg: column 3, lines 6-10).

Regarding claim 21, Reeel describes a system for transferring one or more data files from an electronic device to one or more destination addresses, the system comprising:

A selection routine (image transfer selector) that, in response to a request to transfer, reads data (images) from the electronic device (cellular phone 28) and allows selection of one or more data files (images) for transfer and allows selection of one or more destination addresses (remote locations) to be associated to the one or more data files (images) (Reeel: column 5, lines 38-49 and figure 3); and

A transfer logic for causing the electronic device (camera 10) to transfer the one or more ~~data files~~ (images) to a proximity device (cellular phone 28) via radio frequency communications, the transfer logic including logic for instructing the proximity device (cellular phone 28) to transfer the one or more data files (images) to the one or more destination addresses (remote locations) (Reeel: column 5, lines 25-49 and figure 3).

However, Reeel does not teach a transfer application for receiving one or more requests to transfer one or more data files (or images). Steinberg describes an apparatus for receiving image data (or transferring) from a camera and transmit the data to a remote computer along with additional annotation data including but not limited to time and date, user information, location information, and camera information. Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Reeel to include a transfer application for receiving one or more requests to transfer one or more data files (or images). One would have been motivated to combine the system of Reeel to include a transfer application for receiving one or more requests to transfer one or more data files (or images) of Steinberg in that one would want to send image data directly from the camera to a network (Steinberg: column 1, lines 53-65).

Regarding claim 22, Reeel in view of Steinberg further describes the system as set forth in claim 21 wherein the electronic device is a digital camera (camera 10) (Reeel: figure 1).

Regarding claim 24, Reeel in view of Steinberg further describes the system set forth in claim 21, wherein the proximity device (communication device 10) is a telephone (can be any type of network device like a phone switch which is used with

Art Unit: 2615

a phone) connected to a network via a cable (connected to network 16 through line 32) (Steinberg: column 4, lines 9-26, and figure 1).

Regarding claim 25, Reele in view of Steinberg further describes the system set forth in claim 21, wherein the proximity device is a cellular device (cellular phone 28) (Reele: column 3, lines 1-5 and figure 2).

Regarding claim 26, Reele in view of Steinberg further describes the system set forth in claim 21, wherein the transfer logic is formed as software, hardware, or a combination of both. Specifically, Reele describes the use of discrete hardware components (Reele: column 3, lines 23-35 and figure 3).

Regarding claim 27, Reele in view of Steinberg further describes the system set forth in claim 21, wherein the one or more destination addresses include addresses accessible over a network (remote location) (after camera 10 has established a connection to the cellular phone 28, dialing from a plurality of phone numbers to connect to the remote location) (Reele: column 5, lines 25-49 and figure 2).

Regarding claim 28, Reele in view of Steinberg further describes the system set forth in claim 21, further including a radio frequency transceiver (interface connector 24) for communicating with the proximity device (cellular phone 28) (Reele: column 3, lines 1-5 and figure 2).

7. Claims 10, 11, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 5,666,159 to Parulski et al.

Regarding claim 10, Reele describes the limitation of claim 10 as described in claim 1. However, Reele does not teach the selected destination address to the proximity device. Parulski describes a cellular telephone and a camera unit 48 that are combined (Parulski: column 4, lines 26-29). Parulski also describes images containing header ID information specifying the address to send the selected images to the specified receiver via a network (receiver units A-C) (Parulski: column 4, lines 7-40; figures 1 and 9). Therefore it would have been obvious to one of ordinary skill in the art to modify the digital camera, proximity device, and network of Reele to include the ID information specifying the destination address to send the selected images to the specified receiver via a network. One would have been motivated to combine the digital camera, proximity device, and network of Reele to include the ID information specifying the destination address to send the selected images to the specified receiver via a network of Parulski in order to provide a camera having a programmable transmission capability for selectively transmitting electronic image data to a plurality of remote receive units (Parulski: column 1, lines 37-41), coupling the camera and the phone unit to transmit images to a receiver is quick and easy (Parulski: column 1, lines 27-41).

Art Unit: 2615

Regarding claim 11, Reele in view of Parulski further describes the method of claim 10 wherein the selected address includes a plurality of addresses (after camera 10 has established a connection to the cellular phone 28, dialing any phone number to connect to the remote location) (Reele: column 5, lines 25-38).

Regarding claim 12, Reele in view of Parulski describes the method as set forth in claim 10, but does not teach the method further including after the radio frequency communication is established, allowing the user to access information stored on the proximity device (cellular phone 28) including an address book and selecting one or more addresses from the address book. However examiner takes Official Notice that is old and well known within the art for cellular devices (such as cell phones) to have information stored including an address book (phone number list) where one or more numbers can be selected from the address book. Therefore, it would have been obvious to one of ordinary skill in the art to modify the method to include an address book in the proximity device in that the user would want to transmit image data to remote locations (Reele: column 1, lines 47-53).

Regarding claim 14, Reele in view of Parulski describes the method as set forth in claim 10 further including allowing the user to select one or more destination addresses from addresses stored on the proximity device (after camera 10 has established a connection to the cellular phone 28, dialing any phone number to connect to the remote location) (Reele: column 5, lines 25-38).

8. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 5,666,159 to Parulski et al. further in view of U.S. Patent No. 6,750,902 to Steinberg et al.

Regarding claim 13, Reele in view of Parulski describes the method as set forth in claim 10, but does not describe the method further including deleting the digital image from the memory of the digital camera after the digital image is transmitted to the proximity device. Steinberg describes a communication device 10 (proximity device) that automatically connects to network 16 and downloads the images from the camera and subsequently disconnects from the network 16. Upon completion of the downloading and receiving confirmation from destination 18, the device 10 can delete image data from the camera (Steinberg: column 5, lines 30-73 and figure 2). Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Reele to include deleting the digital image from the memory of the digital camera after the digital image is transmitted to the proximity device. One would have been motivated to combine the method of Reele to include deleting the digital image from the memory of the digital camera after the digital image is transmitted to the proximity device of Steinberg in that doing so would avoid the concern of the need to connect the camera or its removable device to local computer to perform operations as it is automatic (Steinberg: column 3, lines 6-10).

Art Unit: 2615

Regarding claim 16, Reel in view of Parulski describes the method as set forth in claim 10, but does not teach the method further including transmitting offline instructions to the proximity device causing the proximity device to transmit the selected digital image to the remote network after the radio frequency. Steinberg describes that device 10 can be programmed to operate a camera "off-line" (Steinberg: column 5, lines 18-29) and select image data can be transmitted (Steinberg: column 11, lines 24-29). Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Reeel in view of Parulski to include transmitting offline instructions to the proximity device causing the proximity device to transmit the selected digital image to the remote network after the radio frequency. One would have been motivated to combine the method of Reeel in view of Parulski to include transmitting offline instructions to the proximity device causing the proximity device to transmit the selected digital image to the remote network after the radio frequency of Steinberg in that doing so would avoid the concern of the need to connect the camera or its removable device to local computer to perform operations as it is automatic (Steinberg: column 3, lines 6-10).

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reeel et al. in view of U.S. Patent No. 5,666,159 to Parulski et al. further in view of U.S. Patent No. 6,167,469 to Safai et al.

Regarding claim 15, Reeel in view Parulski describes the method as set forth in claim 10, but does not teach the method further including providing a user interface allowing the user to select one or more digital images to be transferred and allowing the user to select one or more addresses to which the one or more digital images are to be transferred. Safai describes the selected address is on or more email addresses (as shown in the confirmation box 456 of figure 4E) (Safai: column 12, lines 1-14 and figure 4E). Therefore it would have been obvious to one of ordinary skill in the art to modify the method of Reeel in view of Parulski to further include providing a user interface allowing the user to select one or more digital images to be transferred and allowing the user to select one or more addresses to which the one or more digital images are to be transferred. One would have been motivated to combine the method of Reeel in view of Parulski to include providing a user interface allowing the user to select one or more digital images to be transferred and allowing the user to select one or more addresses to which the one or more digital images are to be transferred of Safai in that many people can not afford a personal computer and there is an acute need to bypass the use of a computer to send pictures (Safai: column 2, lines 14-25).

10. Claims 4, 5, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reeel et al. in view of U.S. Patent No. 6,567,502 to Zellner et al.

Regarding claim 4, Reeel describes the digital camera as set forth in claim 1, but does not teach the camera wherein the wireless radio frequency transceiver

Art Unit: 2615

operates according to IEEE 802.11 communications protocol. Zellner describes wireless connectivity in a LAN 39 connection between a remote device 37 and the host device 41 in a device-to-device connectivity based on Bluetooth technology or 802.11 protocols from the IEEE (Zellner: column 8, lines 5-13). Therefore it would have been obvious to one of ordinary skill in the art to modify the digital camera of Reele to include the wireless radio frequency transceiver operating according to IEEE 802.11 communications protocol. One would have been motivated to combine the camera of Reele to include the wireless radio frequency transceiver operating according to IEEE 802.11 communications protocol of Zellner in that communication over a Bluetooth-based or 802.11-based network is desirable because of a lack of directionality in a wireless transmission that is based on radio technology (Zellner: column 8, lines 10-13).

Regarding claim 5, Reele describes the digital camera as set forth in claim 1, but does not teach the camera wherein wireless radio frequency transceiver is a Bluetooth transceiver. As explained in claim 4, Zellner describes wireless connectivity in a LAN 39 connection between a remote device 37 and the host device 41 in a device-to-device connectivity based on Bluetooth technology or 802.11 protocol from the IEEE (Zellner: column 8, lines 5-13).

Regarding claim 20, Reele describes the digital camera as set forth in claim 17, but does not teach the camera wherein the wireless short range radio frequency transceiver is configured to operate according to one of IEEE 802.11 protocol and Bluetooth protocol. As explained in claims 4 ~~and 5~~, Zellner describes wireless connectivity in a LAN 39 connection between a remote device 37 and the host device 41 in a device-to-device connectivity based on Bluetooth technology or 802.11 protocol from the IEEE (Zellner: column 8, lines 5-13).

11. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,750,902 to Steinberg et al. further in view of U.S. Patent No. 6,522,889 to Aarnio.

Regarding claim 23, Reele in view of Steinberg describes the system as set forth in claim 21, but does not teach the system wherein the electronic device is a personal data assistant. Aarnio describes a system 10 wherein the mobile station 12 (MS12) is a PDA (Aarnio: column 2, lines 61-65, and figure 1). Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Reele in view of Steinberg to include an electronic device as a PDA. One would have been motivated to combine the system of Reele in view of Steinberg to include an electronic device such as a PDA in that it is well known in the art that a mobile telephone, PDA, as well as any other type of wireless communication devices (MS 12) are used to communicate through a mobile wireless network (Aarnio: column 2, lines 61-67).

12. Claims 6, 7, and 9 are rejected under 35 U.S.C. 103(c) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Patent No. 6,167,469 to Safai et al.

Regarding claim 6, Reele describes the camera as set forth in claim 1, but does not teach the camera wherein the radio frequency transceiver is formed on a removable communications card. Safai describes a digital camera wherein the radio frequency transceiver (communication interface 718) is formed on a removable communications card (communication interface 718 is described as a local area network (LAN) card; commonly known that LAN cards are removable) (Safai: column 18, lines 3-17 and figure 7). Therefore it would have been obvious to one of ordinary skill in the art to modify the digital camera of Reele to include the radio frequency transceiver being formed on a removable communications card. One would have been motivated to combine the camera of Reele to include the radio frequency transceiver being formed on a removable communications card of Safai in that since a camera usually requires the user to first connect to a personal computer to send images, and personal computers are not always easily accessible, an acute need to simplify sending images from the camera user to someone else is necessary (Safai: column 2, lines 14-25).

Regarding claim 7, Reele in view of Safai further describes the digital camera as set forth in claim 1, wherein the imaging system includes a charge coupled device (CCD) (Safai: column 1, lines 20-30).

Regarding claims 9, Reele in view of Safai further describes the digital camera as set forth in claim 1, wherein the selected address is on or more email addresses (as shown in the confirmation box 456 of figure 4E) (Safai: column 12, lines 1-14 and figure 4E).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 571-272-7363. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 10/000,029
Art Unit: 2615

Page 11

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Kevin Gagliostro

05/23/2005



Ngoc-Yen Vu
PRIMARY EXAMINER